

REFERENCE TITLE: speeding citations; photo enforcement systems

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SCR 1039

Introduced by
Senator Gould

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to photo enforcement systems, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED
9 STATUTES, BY ADDING SECTION 28-711; AMENDING SECTION 41-1722,
10 ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT SYSTEMS.

11 Be it enacted by the Legislature of the State of Arizona:

12 Section 1. Title 28, chapter 3, article 6, Arizona
13 Revised Statutes, is amended by adding section 28-711, to read:

14 28-711. Photo enforcement systems; limitation on citation
15 issuance

16 NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL
17 AUTHORITY THAT HAS JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM,
18 INCLUDING A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT
19 TO SECTION 41-1722, SHALL:

20 1. CAUSE THE PHOTO ENFORCEMENT SYSTEM TO ONLY ISSUE
21 CITATIONS FOR A VIOLATION OF THIS ARTICLE IF A VEHICLE IS
22 TRAVELING AT LEAST ELEVEN MILES PER HOUR FASTER THAN EIGHTY-FIVE
23 PER CENT OF THE VEHICLES ON THE HIGHWAY.

24 2. DETERMINE THE MINIMUM SPEED LIMIT THAT WILL RESULT IN
25 A CITATION FOR A VIOLATION OF THIS ARTICLE THAT IS DETECTED BY
26 THE PHOTO ENFORCEMENT SYSTEM PURSUANT TO PARAGRAPH 1. THE
27 MINIMUM SPEED LIMIT SHALL BE DETERMINED BASED ON VEHICLES
28 TRAVELING DURING NONPEAK DAYLIGHT HOURS UNDER GOOD WEATHER
29 CONDITIONS.

30 Sec. 2. Section 41-1722, Arizona Revised Statutes, is
31 amended to read:

32 41-1722. State photo enforcement system; penalties; fund

33 A. Notwithstanding any other law AND EXCEPT AS PROVIDED
34 IN SECTION 28-711, the department shall enter into a contract or
35 contracts with a private vendor or vendors pursuant to chapter
36 23 of this title to establish a state photo enforcement system
37 consisting of cameras placed throughout this state as determined
38 by the director to enforce the provisions of title 28, chapter
39 3, articles 3 and 6 relating to vehicle traffic and speed.

40 B. Notwithstanding any other law, the civil penalty or
41 fine for a citation or a notice of violation issued pursuant to
42 this section is one hundred sixty-five dollars and is not
43 subject to any surcharge except the surcharge imposed by section
44 16-954. State photo enforcement citations shall not be included

1 in judicial productivity credit calculations for fiscal year
2 2008-2009.

3 C. The photo enforcement fund is established consisting
4 of monies received from citations or notices of violation issued
5 pursuant to this section. The director shall administer the
6 fund. Monies in the fund are subject to legislative
7 appropriation and are appropriated to the department for
8 administrative and personnel costs of the state photo
9 enforcement system. Monies remaining in the fund in excess of
10 two hundred fifty thousand dollars at the end of each calendar
11 quarter shall be deposited, pursuant to sections 35-146 and
12 35-147, in the state general fund.

13 D. Notwithstanding any other law, if a person is found
14 responsible for a civil traffic violation or a notice of
15 violation pursuant to a citation issued pursuant to this
16 section, the department of transportation shall not consider the
17 violation for the purpose of determining whether the person's
18 driver license should be suspended or revoked. A court shall
19 not transmit abstracts of records of these violations to the
20 department of transportation.

21 2. The Secretary of State shall submit this proposition to the voters
22 at the next general election as provided by article IV, part 1, section 1,
23 Constitution of Arizona.